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6 Counsel for Defendant GONZALEZ  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07 -478 SI
	)	
12 Plaintiff,	)	<b>COURT-ORDERED RESPONSE TO</b>
	)	<b>DEFENDANT'S MOTION FOR</b>
13 vs.	)	<b>REDUCTION OF SENTENCE</b>
	)	
14 ERNESTO ALBERTO GONZALEZ,	)	
	)	
15 Defendant.	)	
_____	)	

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17 The defendant in this matter has submitted a motion to reduce his sentence pursuant to 18  
18 U.S.C. § 3582 and USSG Amendment 706. This Court ordered the parties to review the motion  
19 and to file a response.

20 The defendant was convicted of illegal reentry, and received a 51 month sentence. The  
21 amendment to the guidelines which the defendant uses as the basis for his motion refers to the  
22 crack cocaine guidelines, not the illegal reentry guidelines. Unfortunately, because the guidelines  
23 for illegal reentry have not changed, undersigned counsel cannot join in the motion because there  
24 are no legal grounds which would support it.  
25  
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1 Dated: September 16, 2008

2 Respectfully submitted,

3 BARRY J. PORTMAN  
4 Federal Public Defender

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6 GEOFFREY A. HANSEN  
7 Chief Assistant Federal Public Defender  
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